



PATENT

#13
8/15/02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Victor Christou

Application No.: 09/445,050

Our File: SHP-PT050

Filed: March 6, 2000

Date: October 17, 2001

For: ORGANOMETALLIC COMPLEXES

Group: 1774

Examiner: L. Xu

REPLY PURSUANT TO 37 C.F.R. §1.111

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Reply is responsive to the Official Action dated July 17, 2001 (Paper No. 11) and is filed in with an appropriate petition for extension of time.

REMARKS

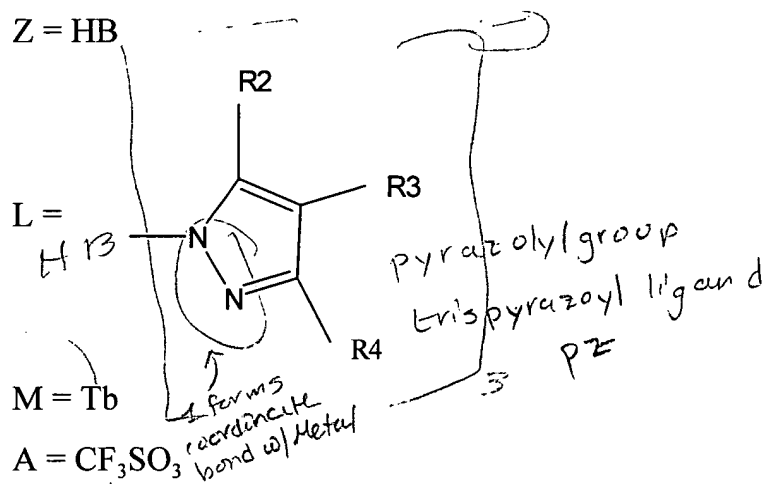
The Examiner indicated that applicant elected Group II for further prosecution, which corresponded to new claims 24-35. However, as set forth in the reply filed on June 25, 2001, new claims 36-44 are also believed to be appropriately categorized as Group II claims. Applicant respectfully requests further prosecution of claims 24-44 and traverses the restriction requirement if it is intended to be applied to claims 36-44. Even though some of claims 36-44 do not claim a complex *per se*, clearly the primary inventive concept of these claims resides in the complex as defined by claim 24, from which each of them depends.

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claims resides in the complex as defined by claim 24. Therefore, claims 24-44 are properly maintained in a single application pursuant to M.P.E.P. §806.05(c).

The Examiner also indicated that the reply filed on June 25, 2001 was not fully responsive to the Official Action dated April 25, 2001 (Paper No. 10) because applicant did not respond to the election of species requirement set forth in paragraph 2 of the Official Action dated April 25, 2001.

In accordance with the Examiner's requirement, applicant elects the following species for elements Z, L, M, A, X, and R1 - R4 described in claims 3-9 (now canceled) and claims 24-44:



Terbium
lanthanide metal

$$X = H$$
$$R1 = H$$
$$R2 = CH_3$$

R3 = H

$$R4 = CH_3$$
$$[(z(L)_3)^p M] A q$$
$$(p^x)^3$$

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The Examiner also repeated and made final the restriction requirement on the ground that the complex recited in claims 45 and 46 (Group I) is anticipated by U.S. Patent 5,707,745 (Forrest et al.). Applicant again respectfully traverses the restriction requirement.

Claims 45 and 46 require that each ligand of the complex must include at least one pyrazolyl group. Forest et al. does not anticipate claims 45 or 46 because the complex disclosed in Forest et al. includes bidentate ligand D, which does not contain a pyrazolyl group (see col. 8, lines 54-58 and claim 15). Thus, applicant respectfully submits that Forest et al. does not anticipate the complex of claims 45 or 46.

Reconsideration and withdrawal of the restriction requirement and allowance are respectfully requested.

Respectfully submitted,

Victor Christou

By



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	Filing Date	March 6, 2000	
	First Named Inventor	Victor Christou	
	Group Art Unit	1774	
	Examiner Name	Ling Xu	
Total Number of Pages in This Submission	9	Attorney Docket Number	SHP-PT050

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	C. Frederick Koenig III, Esquire Volpe and Koenig, P.C.	Reg. No. 29,662
Signature		
Date	October 17, 2001	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: October 17, 2001			
Typed or printed name	C. Frederick Koenig III, Esquire		
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